



# WASHINGTON WILDLIFE & RECREATION PROGRAM:

## *POLICIES AND PROJECT SELECTION*

10

January 28, 2003

**IAC's Mission**



*...Is to foster the protection and enhancement of Washington's natural and outdoor recreation resources for current and future generations. We do this through funding, technical assistance, research and policy development, coordination, advocacy, and encouraging long-term stewardship.*

*Our service reflects a commitment to public participation, openness, fairness, and efficiency.*

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## INTRODUCTION

The Washington Wildlife and Recreation Program (WWRP) was established in 1990 with the passage of Chapter 79A.15 RCW (Appendix A—recodified from 43.98A in 1999).

WWRP is administered by the Interagency Committee for Outdoor Recreation (IAC) to provide funding assistance for a broad range of land protection, park development, preservation/conservation, and outdoor recreation facilities. This landmark legislation and subsequent funding have come about through the support of the Governor, legislature, and dedication of groups such as the many organizations comprising the Washington Wildlife and Recreation Coalition.

IAC is an executive branch agency composed of five citizen members appointed by the Governor, and three state agency directors. The term "IAC," however, commonly refers to this director/citizen board *and* its staff, led by a Director. Whenever it is important to distinguish among these parties, this manual uses the words "*board*," "*staff*," or "*Director*," as appropriate.

This manual has been prepared to provide WWRP information to state and local agencies. It will provide the reader with a basic understanding of program definitions, characteristics, and guidelines.

## Manual Authority

This manual is created under the authority granted to IAC's board in the enabling legislation for WWRP [RCW 79A.15.060(1) and 79A.15.070(1) and (5)]. It reflects the specific statutory requirements of Chapter 79A.15. RCW, Chapter 286-27 WAC, and policies of IAC.

IAC's board adopted the policies in this manual in a public meeting.

## Program Goals

This program has two primary goals: *First*, to assist with the rapid acquisition of the most significant lands for wildlife conservation and outdoor recreation purposes before they are converted to other uses; *Second*, to develop existing public recreation land and facilities to meet the needs of present and future generations.

RCW 79A.15.005

## Eligible Applicants

Eligible WWRP participants include:

- ▶ Cities
- ▶ Counties
- ▶ Park & Recreation Districts
- ▶ State Agencies
- ▶ Native American Tribes
- ▶ School Districts

Certain other special purpose districts such as port, irrigation, water, and public utility districts are eligible if legally authorized to acquire and develop public open space, habitat, or recreation facilities.

**INFORMATION  
SOURCES**

Contact IAC at:

Natural Resources Building Phone (360) 902-3000  
1111 Washington Street, Floor 2 East FAX (360) 902-3026  
P.O. Box 40917 TDD (360) 902-1996  
Olympia, Washington 98504-0917 E-mail: [info@iac.wa.gov](mailto:info@iac.wa.gov)  
Internet Web Page: <http://www.iac.wa.gov/>

**Related  
Publications**

Related IAC program manuals include:

- ▶ Planning Policies - #2
- ▶ Acquiring Land - #3
- ▶ Development Projects: Policies - #4
- ▶ Application Blanks - #5w
- ▶ Funded Projects: Policies, Project Agreement - #7
- ▶ Reimbursements: IAC Grant Programs - #8

In January of each year, IAC publishes a brochure describing each of its grant programs. This brochure outlines basic program information such as estimated funding, grant limits, eligible sponsors, and important dates. Additionally, IAC prepares annual schedules for all grant programs. These schedules identify important application deadlines as well as meeting dates and locations. (WWRP's funding process is outlined in *Project Selection Timeline*, page 15).

Contact IAC to obtain copies of these free publications. For persons with special needs, each can be made available in an alternative format.

**Workshops**

IAC conducts workshops annually to provide information about its funding programs. Typically, they are scheduled in the winter and/or spring of each year at various state locations. Scheduling is usually complete in early January. Call for information about dates and locations.

Facility managers certify all IAC meeting sites as barrier free according to federal *Americans With Disabilities Act* or WAC 51.30.1100 standards. To request other disability accommodations, such as listening aids and/or alternative format handout material, contact IAC at least 14 days before the event.

**ACCOUNTS AND CATEGORIES**

By statute, WWRP is divided into two accounts: 1) the Habitat Conservation Account and 2) the Outdoor Recreation Account. Each account receives half of the total WWRP appropriation. These accounts contain specific funding categories. Each category is designed to provide for a specific project type.

**Accounts**

***Habitat Conservation Account*** ..... 50% of all funds

<b>Category</b>	<b>Eligible Participants</b>
Critical Habitat	State Agencies only
Natural Areas	State Agencies only
Urban Wildlife Habitat	State and Local Agencies

***Outdoor Recreation Account*** ..... 50% of all funds

<b>Category</b>	<b>Eligible Participants</b>
Local Parks	Local Agencies only
Trails	State and Local Agencies
Water Access	State and Local Agencies
State Parks	State Parks and Rec. Comm. Only

**Categorization of Projects**

Project applicants should, on submittal of an application, recommend placement of their project in one of the following categories. IAC staff will review these recommendations for compliance with category criteria and definitions and notify applicants. Staff's decision may be appealed to IAC's Director and, if necessary, IAC's board.

IAC's intent is that a project will be evaluated in only one category unless otherwise authorized by the Director. At the applicant's discretion, projects appropriate to more than one category may be divided into more than one "stand-alone" project and submitted separately.

A project's category is of major importance in the evaluation process. Any applicant's change to a project's category must be made by the technical completion deadline, unless otherwise authorized by the Director.

**Categories**

Projects submitted for WWRP funding assistance will be placed in a category based on project characteristics, intent, and scope according to the following threshold criteria:

***Critical Habitat***

- Provides habitat for wildlife including game and non-game species, food fish, shellfish, freshwater, anadromous and other fish including, but not limited to, habitat for endangered, threatened, or sensitive species.
- Includes habitats such as wetlands, forests, shrub-steppe, deer/elk winter range, riparian zones, and salt or freshwater fish and shellfish habitats.
- May include public use for both consumptive and non-consumptive activities as well as acquisition for species protection and/or enhancement.
- May include habitat enhancement or creation.
- Where public use is appropriate, may include limited development of public facilities such as roads, trails, parking, rest rooms, signing and fencing to allow public use and enjoyment.
- May exclude public use, if needed to protect habitat and species.
- Projects involving renovation of an existing facility are ineligible.

***Natural Areas***

- Areas set aside to protect high quality, representative native ecosystems or unique plant or animal communities, endangered, threatened or sensitive species, rare geological features or similar features of scientific or educational value.
- Must have, to a major degree, retained their natural character.
- Must be managed primarily for resource preservation, protection and study, and may provide limited or no public use.
- Where public use is appropriate, may include limited development of public facilities, such as signing, fencing, trails, parking, rest rooms, and roads associated with a trailhead.
- Projects involving renovation of an existing facility are ineligible.



### ***Urban Wildlife Habitat.***

- To be eligible for consideration in the Urban Wildlife Habitat category, a proposal must lie:
  - a) Within the corporate limits of a city or town with a population of at least 5,000 or within five miles of such a city or town (or its adopted urban growth area boundary); or
  - b) In, or within 5 miles of an adopted Urban Growth Area (UGA) in a county that has a population density of at least 200 people per square mile.
- Provides habitat for wildlife species, food fish, shellfish, or freshwater or marine fish.
- May serve as a corridor for wildlife movement in existing populated areas.
- May include and encourage public use for wildlife interpretation and observation.
- Development of facilities will be limited to such elements as fencing, interpretive/observation trails, interpretive signs/kiosks, rest rooms, parking, and creation or enhancement of habitat.
- Projects involving renovation of an existing facility are ineligible.

### ***State Parks***

- This category is available only to the Washington State Parks and Recreation Commission for acquisition and/or development of State Parks.
- Projects involving renovation of an existing facility are ineligible.

### ***Trails***

- Provides for projects whose primary intent is to acquire or develop pedestrian, equestrian, bicycle, or cross-country ski trails.
- Trails must be for non-motorized use and cannot be part of a street or roadway such as a sidewalk or unprotected road shoulder. Trails adjacent to a roadway that are separated by a physical barrier and are improved solely for pedestrian, equestrian, or bicycle use are eligible.
- Acquisition and/or development may include land and/or facilities such as trailheads, parking, and rest/picnic/view areas and rest rooms that are directly related to an existing or proposed public trail.
- Projects involving renovation of an existing facility are ineligible.

**Local Parks**

- ▶ Provides, via acquisition, development, or renovation, property or facilities for active or passive outdoor recreation.
- ▶ Local agency projects may contain both upland and water oriented elements. Projects with a primary focus on upland recreation elements, and all outdoor swimming pools, will be classified as local parks category projects.

**Water Access**

- ▶ Includes projects that solely or predominately provide physical access to shorelines for non-motorized water related recreation activities such as, but not limited to, boating, fishing and beach access.
- ▶ Acquisition or development may include facilities that support water dependent recreation such as parking, rest rooms, picnic areas, access trails, fishing piers, platforms, swim beaches, boat access facilities, and water trails for non-motorized watercraft such as canoes and kayaks.
- ▶ Projects involving renovation of an existing facility are ineligible.

**PROGRAM  
LIMITS AND  
GUIDELINES****Statutory  
Minimums**RCW 79A.15.040 and  
79A.15.050

IAC's intent is that its funds will be allocated to projects with the greatest need and those where the greatest benefit can be achieved.

Each WWRP category must receive a specified percentage of the funds appropriated for the program. While state law requires that these minimum percentages be met over the life of the program, it is IAC's intent to generally meet them, by category, each biennium. However, IAC's board retains the discretion to forego these statutory minimums in any one year or biennium, should circumstances so warrant.

By statute, IAC must ensure that, over the life of the program, WWRP funds are expended as follows:

**Habitat Conservation Account:..... 50% of all funds**

Critical Habitat	not less than	35% of account
Natural Areas	not less than	20% of account
Urban Wildlife Hab.	not less than	15% of account
Unallocated	not more than	<u>30%</u> of account
		100%

**Outdoor Recreation Account:..... 50% of all funds**

State Parks	not less than	25% of account	(Min. 75% for Acquisition)
Local Parks	not less than	25% of account	(Min. 50% for Acquisition)
Trails	not less than	15% of account	
Water Access	not less than	10% of account	(Min. 75% for Acquisition)
Unallocated	not more than	<u>25%</u> of account	
		100%	

**"Unallocated"  
Funds**

The intent of unallocated funding is to allow IAC's board the discretion to supplement statutory funding levels in those categories with the greatest need. The distribution of unallocated funds is not preset by formula or administrative division, rather, each year the board considers a number of factors before adopting a resolution recommending funding. A full description of the board's annual funding discussions is in the public record. It consists of a meeting summary, an audio tape recording, and a notebook with individual project details.

Typical factors considered by IAC's board when distributing unallocated funds include:

- Total number of requests in each category
- Total dollar amount requested in each category
- Number of projects in each category considered by project staff and evaluators as "high priority"
- Viability of partially funded projects if additional funding was not received
- Geographic distribution of projects in each category and account
- Historic funding patterns in each category, including the distribution of unallocated funds to first year projects
- Needs assessment conducted as part of IAC's Statewide Comprehensive Outdoor Recreation Planning process
- Stakeholder feedback.

**Recommended  
First & Second  
Year Funding**

WWRP funds are appropriated through the legislative process biennially and distributed by IAC through a separate first and second year selection process. After reviewing staff's recommendation, public testimony, and other factors, IAC's board decides on the distribution of funds between these first and second year grant cycles.

**Recommended  
Projects &  
Alternates**

Each year IAC's board recommends to the Governor specific projects for funding. These recommendations are in the form of a ranked list whose total value exceeds requested WWRP funding. More projects are recommended than requested funding will allow in order that "alternate" projects can be ready if projects higher on the list are withdrawn, are unable to be completed, or use fewer funds than requested. These situations can occur due to problems such as finding a willing seller, developing purchase agreements, obtaining permits, local bond passage, etc.

Projects that, because of their relative ranking, are beyond available funding levels are known as "alternate projects." Alternate projects are submitted in both the HCA and ORA, usually in an amount equal to 50 percent of the dollar amount requested for each category. When possible, no fewer than six alternate projects are submitted.

#### Legislative Approval and Appropriations

After receiving the list from IAC, the Governor has the statutory authority to remove individual projects prior to forwarding final recommendations to the legislature. The legislature may also remove individual projects. Project lists approved by the legislature in any one biennium are to be completed to the fullest extent possible within the biennial appropriation. Biennial project lists are to remain active until funding is exhausted or no feasible projects remain. If a biennial list is completed and appropriation authority remains, these funds may be allocated subject to legislative appropriation to new projects in future biennia.

#### GENERAL PROJECT GUIDELINES

Normally, at a meeting six months before funding consideration, IAC establishes sponsor matching share requirements and acquisition-development fund request limits. The current amounts are:

#### Funding Limits

##### ***Local Agencies.***

- ▶ The minimum matching share of non-IAC funds is 50 percent for *each* project.
- ▶ The maximum IAC share for *local parks category* acquisition projects is \$500,000 each.
- ▶ The maximum IAC share for *local parks category* development projects is \$300,000 each.
- ▶ The maximum IAC share for *local parks category* combination projects (acquisition and development) may not exceed \$500,000, of which not more than \$300,000 may be for development costs.
- ▶ IAC will not reimburse more than the sponsor's "out-of-pocket" costs.
- ▶ There are no maximum request levels in the following categories: *urban wildlife habitat, trails, water access.*

***State Agencies.*** There is no state agency matching share requirement or per project limit.

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***Administration, Architecture, Engineering.*** Information about eligibility and reimbursement ceilings for these elements is contained in IAC policy Manuals 3, *Acquiring Land* (administration costs) and 4, *Development Projects: Policies*, (A&E).

**Availability of  
Matching Share**

Local agency applicants should have matching funds available for expenditure prior to IAC granting funding approval. First and second year local agency match deadlines are listed in the "Project Selection Timeline" (page 15).

For those projects requiring ballot issues to secure the required local matching share, applicants are advised to plan accordingly. Projects without proof of matching funds availability may be declared ineligible and/or passed over for other projects with the local match in place. Such decisions are based on IAC's confidence in the applicant's ability to have the match in place when required.

**Phased Projects**

IAC requests that agencies consider the potential program difficulties that multi-million dollar projects usually create and, for this reason, to discuss phasing/staging with IAC staff. Staged projects are subject to the following:

- Approval of any single stage is limited to that stage; no approval or endorsement is given or implied toward future stages.
- Each stage must stand on its merits as a viable project.
- Each stage must be submitted as a separate application.
- Progress on earlier stages is considered by IAC when making decisions on current projects.

**Eligible Project  
Activities**

Acquisition. Includes the purchase of land in fee title, or lesser interests such as leases and conservation easements. Rules for land acquisition may be found in IAC Manual 3, *Acquiring Land*.

Development. Complete guidelines for development projects are found in IAC Manual 4, *Development Projects: Policies*. Eligible project elements include:

***Critical Habitat -- Natural Areas -- Urban Wildlife Habitat***

- Benches, tables
- Habitat creation, enhancement
- Interpretive kiosks/signing
- Parking
- Paths
- Rest rooms
- Roadways.

***Trails***

- Benches, tables
- Interpretive kiosks/signing
- Parking
- Rest rooms
- Roadways
- Site preparation
- Trail surfacing
- Viewpoints.

***State Parks -- Local Parks***

- Buildings (see note)
- Campgrounds
- Fishing floats
- Hard court areas
- Interpretive kiosks/signing
- Outdoor swim pools
- Paths
- Picnic shelters
- Play areas
- Playing fields
- Rest rooms
- Roadways

- Parking
  - View areas.
- Note: In this category, buildings are an eligible cost; such elements as furnishings and equipment are ineligible unless consistent with OFM Capital Budget Guidelines for state agency projects. These buildings typically include administrative offices, shops, and residences, and are eligible for reimbursement only if they are essential to the operation and maintenance of the assisted site.

### **Water Access**

- Buoys
- Fishing piers and platforms
- Interpretive kiosks/signs
- Launch ramps/floats
- Parking
- Paths
- Picnic shelters
- Rest rooms
- Roads
- Swimming beaches.

### **Ineligible Project Elements**

Several sources are used to determine project eligibility, including chapter 79A.15. RCW and the category information on page 4 of this manual. The following WWRP project elements are ineligible for funding consideration:

- Indoor recreation facilities such as community centers, gymnasiums, swimming and/or therapy pools, and covered ice skating rinks.
- Offices, shops, residences, meeting and storage rooms except as described under "buildings" in the State Parks--Local Parks section, above.
- Concessionaire buildings.
- Fish or wildlife production facilities.
- Properties acquired via a condemnation action of any kind. On multi-parcel acquisitions sponsors may acquire those parcels that cannot be purchased from a willing buyer/willing seller via condemnation using only non-WWRP funds. Complete documentation of parcels acquired by WWRP funding versus those acquired entirely by sponsor funds under condemnation must be maintained and available. The value of parcels acquired via condemnation may not be used as part of the required local agency matching share.

### **Universal-Barrier Free Access**

Sponsors must ensure that all facilities assisted with IAC funds meet barrier-free standards. Several laws and codes provide construction designs that meet these standards (Americans With Disabilities Act, State Building Code: Accessibility, Rehabilitation Act of 1973, etc.). Program facilities not covered by these laws and codes are not exempt from barrier-free access. Sponsors must to the highest degree reasonable, make project elements accessible. To this end, applicants should refer to IAC's "Universal, Barrier-Free Access" policy in Manual 4, *Development Projects: Policies*.

Plans, project applications, cost estimates, and construction drawings must reflect compliance with facility access and signing requirements.

**PLANNING  
REQUIREMENTS**

At least three months before IAC's first funding meeting for WWRP projects, applicants must submit evidence that their project(s) are supported by appropriate planning documents. Plans accepted by IAC establish eligibility for up to six years. It is the applicant's responsibility to ensure that plans and documents are current. For further information, consult Manual 2, *Planning Policies*. In summary, and at minimum, this includes the following elements:

***Goals & Objectives***

A statement of the applicant's long range goals and a list of objectives that describe specific actions aimed at achieving each goal.

***Description of Current Conditions***

A description of agency authorities, the physical setting, and sphere of influence or service area. Include recreational use information and an evaluation of existing opportunities, including opportunities that are managed by agencies other than the applicant.

***Demand and Need***

An explanation of why actions are necessary and establishment of priorities for these actions.

***Public Involvement***

A description of how the planning process gave the public ample opportunity to be involved in development of the plan.

***Capital Improvement Program***

A current capital improvement program that covers a period of at least six years.

***Official Adoption***

Evidence that the document has been approved by the authority most appropriate to the plan's scope.

**PROJECT  
EVALUATION**

A formal evaluation of each project is one step in the process used to decide which proposals will be funded. Except as described under "State Parks," below, the evaluation is done in two parts, each based on a set of questions adopted by IAC's board. The questions are based on statutory and other criteria. While considered a part of this manual, evaluation questions are published separately.

In the first part, a team of specialists uses somewhat subjective criteria to score each project. Scores are based on each applicant's oral response to evaluation questions, a graphic presentation, and summary application material made available in advance of the meeting.

In the second part, IAC's staff prescores all projects using objective measures, like population and conformance to growth management planning. Scores are based on material submitted by applicants and obtained from the state Offices of Financial Management and Community Development.

**General  
Evaluation  
Policies**

While IAC's evaluation meetings are open to anyone, they are not public hearings. As such, only applicant agency employees may address the evaluation team. At these meetings, an IAC staff member serves as nonvoting chair. Scoring is by secret ballot. Scoring instructions are contained in the individual evaluation instruments. Following the meeting, *all* scores are tabulated.

**Evaluation Team  
Make-Up*****Habitat Conservation Account Categories.***

When recruiting individuals to evaluate Habitat Conservation Account (HCA) projects, IAC staff shall collaborate with other individuals and organizations to ensure the appointment of respected experts in their field.

For the Critical Habitat, Natural Areas, and Urban Wildlife Habitat categories, IAC staff shall attempt to select evaluators that possess a statewide perspective and are recognized for their experience and knowledge related to habitat conservation.

Each HCA category evaluation team shall have at least eight members including at least one evaluator from the Washington Department of Natural Resources and the Washington Department of Fish and Wildlife. Evaluation team member composition may differ between categories depending on the experience, knowledge, and expertise of the individuals. Evaluators for each category shall have appropriate experience and expertise in at least one of the following disciplines:

- ▶ Acquisition of habitat properties and conservation easements
- ▶ Biology (conservation and/or non-game wildlife)
- ▶ Botany
- ▶ Ecology (landscape, riparian, plant, and/or wetlands)
- ▶ Fish and Wildlife Management
- ▶ Geology
- ▶ Natural Resource Management
- ▶ Watershed Landscape Management and Planning
- ▶ Zoology.



### ***Outdoor Recreation Account Categories.***

#### ***Water Access Category***

- Representatives from IAC's three Member Agencies (Depts. of Natural Resources, Fish & Wildlife, and State Parks & Recreation Commission).
- Three Local Agency (city, county) representatives
- Two-three "Citizens-At-Large" (depending on availability; preference given to representatives from such organizations as land trusts, wildlife and recreation groups, conservation clubs, and federal agency experts).

#### ***Trails Category***

- Representatives from IAC's three Member Agencies (Depts. of Natural Resources, Fish & Wildlife, and State Parks & Recreation Commission).
- Three Local Agency representatives (preference given to members of IAC's State Trails Advisory Committee and Technical Advisory Committee)
- Two-three "Citizens-At-Large" (depending on availability; preference given to representatives from recreational bicycle, equestrian and pedestrian trail groups, and federal agency experts).

#### ***Local Parks Category***

- Representatives from IAC's three Member Agencies (Depts. of Natural Resources, Fish & Wildlife, and State Parks & Recreation Commission).
- Four Local Agency (city, county) representatives
- Two-three "Citizens-At-Large" (depending on availability)

#### ***State Parks Category***

Because State Parks can be the only recipient of this category's funds, project evaluation is addressed among IAC and State Parks in a collaborative way according to the following policies:

- a. The evaluation meeting is facilitated by IAC staff.
- b. The evaluation team is comprised of State Parks staff and other interested parties.
- c. IAC adopted WWRP State Parks Category evaluation criteria is used to evaluate projects.
- d. The evaluation meeting is open to the public.
- e. After evaluation, State Parks' Capital Committee may re-order the project list if changes are identified and supported by defined strategic needs when presented to the Parks Commission for approval.
- f. The Parks Commission may approve a project listing different from that established by the evaluation team if the changes are identified and supported with clear reasoning.
- g. Before submission to IAC's Board for approval, the project listing must be adopted by the Parks Commission at one of its regularly scheduled meetings (preferably September), during which interested members of the public are given an opportunity to comment.
- h. Final adoption of the ranked listing, before submittal to the Governor, continues to reside with IAC, including the prerogative to re-order the list.

**POST APPROVAL  
ISSUES**

After approval of funding, and prior to executing a Project Agreement, IAC's Director may request additional information. After this has been supplied, the Agreement will be sent to the applicant, who becomes the project's sponsor on execution of the Agreement. Each Agreement will be written and monitored for compliance by IAC staff (Manual 7, *Funded Projects: Policies & the Project Agreement*).

**Conversions**

Natural resources and facilities purchased with WWRP funds shall not be converted to uses other than those for which the funds were originally approved. Excepted are conversions approved by IAC's board which include but are not limited to: conditions brought about by Nature, fire, and projects authorized by the Interstate Commerce Commission (ICC) under the National Trails System Act [§ 8(d), 16 U.S.C. § 1247(d)].

IAC may only approve a conversion when the substitution or replacement with natural resources or facilities of at least equal fair market value at the time of conversion is assured. Natural resources and facilities must also be of as nearly equivalent or greater usefulness and location, if physically and/or biologically feasible.

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In addition, projects authorized under the National Trails Act shall automatically convert if reactivated for rail purposes under an ICC order. Substitution or replacement may be required with natural resources, facilities, or moneys, of at least equal fair market value at the time of conversion. Such substitution or replacement must also, when required, be of as nearly equivalent or greater usefulness and location, or provide a public benefit, if physically, economically, and/or biologically feasible.

And last, a conversion may also be declared in instances where a project, due to a management activity, no longer meets or conforms to the intent of the category in which it was funded. Here are two examples from the critical habitat and natural area categories:

- Property that, due to a management activity, no longer supports or contains the species for which it was acquired. Replacement would be either new property to meet the original intent, or, if that is not physically or biologically possible, new property to accomplish the same goal with other species.
- Development of habitat/natural area projects beyond minimal levels required to preserve, enhance or interpret projects of this type. Replacement would be the same as noted above.

PROJECT  
SELECTION  
TIMELINE

First Year Grant  
Cycle

While the steps in the funding process remain consistent each grant cycle, IAC's Director may adjust actual dates. For this reason, and since other important dates exist, applicants are encouraged to obtain the full WWRP program schedule, revised prior to each grant cycle.

*May 1, Even Years*

**IAC Accepts State and Local Project Applications.**

Applications are due for the first year's funding cycle by May 1 of each even year.

*July, Even Years*

**IAC Submits Biennial Budget Request.** In July of each even-numbered year, IAC's board sets WWRP's budget request level for the next biennium.

*September, Even Years*

**IAC Approves Project Lists.** IAC's board approves the first year list of projects for submittal to the Governor by October 1. When considering a list of projects for recommendation, IAC will use both anticipated available funding and project evaluation results as a basis for determining the length of the list to be submitted. This list will normally exceed anticipated funding. *Applicants are cautioned that IAC board recommendation of project lists to the Governor is not the same as funding approval.*

*October-December, Even Years*

**Governor Approves Projects.** The Governor may delete project(s) from the list recommended by IAC's board.

*January-May, Odd Years*

**Legislature Approves Projects.** The Governor submits this list in the Capital Budget Request to the legislature for review and approval. The legislature may delete project(s) from the list submitted by the Governor.

*July, Odd Years*

**Matching Funds Availability.** For projects submitted for first year funding, local agencies must provide proof of the availability of matching funds by July 1.

**IAC Approves Project Funding.** IAC meets to make final funding decisions for WWRP projects that were recommended to the Governor the previous October and subsequently approved by the legislature. State and local agency projects not funded at this meeting may be submitted for a later funding cycle.

Second Year  
Grant Cycle

*May 1, Odd Years*

**IAC Accepts Local Agency Acquisition Applications.** Only local agency acquisition projects may be submitted for the second year's cycle, including those denied funding in the first year. Any such project must be scored using IAC's evaluation criteria each time it is submitted.

*September, Odd Years*

**IAC Approves Project Lists/Funding** IAC's board meets to approve the second year list of local agency projects to be submitted to the Governor by October 1.

*October-December, Odd Years*

**Governor Approves Projects.** The Governor may delete project(s) from the list recommended by IAC's board. The list is then submitted to the legislature.

*January - May, Even Years*

**Legislature Approves Second Year Local Projects.** The legislature approves the list, but may delete projects from the list submitted by the Governor.

*March 1 - Even Years*

**Matching Funds Availability.** For projects submitted for second year funding, local agencies must provide proof of the availability of matching funds.

*July, Even Years*

**IAC Approves Project Funding.** Following the legislative session, IAC's board meets to make funding decisions for second year local agency projects. Additionally, the board may make project funding decisions regarding the distribution of other available WWRP funds. These may come from:

- Projects costing less than anticipated
- Projects withdrawn or terminated
- Other appropriations.

Chapter 79A.15 RCW  
ACQUISITION OF HABITAT CONSERVATION AND OUTDOOR RECREATION LANDS

RCW 79A.15.005, Findings.

The legislature finds:

- (1) That Washington possesses an abundance of natural wealth in the form of forests, mountains, wildlife, waters, and other natural resources, all of which help to provide an unparalleled diversity of outdoor recreation opportunities and a quality of life unmatched in this nation;
- (2) That as the state's population grows, the demand on these resources is growing too, placing greater stress on today's already overcrowded public recreational lands and facilities, and resulting in a significant loss of wildlife habitat and lands of unique natural value;
- (3) That public acquisition and development programs have not kept pace with the state's expanding population;
- (4) That private investment and employment opportunities in general and the tourist industry in particular are dependent upon the continued availability of recreational opportunities and our state's unique natural environment;
- (5) That if current trends continue, some wildlife species and rare ecosystems will be lost in the state forever and public recreational lands will not be adequate to meet public demands;
- (6) That there is accordingly a need for the people of the state to reserve certain areas of the state, in rural as well as urban settings, for the benefit of present and future generations.

It is therefore the policy of the state to acquire as soon as possible the most significant lands for wildlife conservation and outdoor recreation purposes before they are converted to other uses, and to develop existing public recreational land and facilities to meet the needs of present and future generations.

[1990 1st ex.s. c 14 § 1. Formerly RCW 43.98A.005.]

RCW 79A.15.010, Definitions.

The definitions set forth in this section apply throughout this chapter.

- (1) "Acquisition" means the purchase on a willing seller basis of fee or less than fee interests in real property. These interests include, but are not limited to, options, rights of first refusal,

conservation easements, leases, and mineral rights.

- (2) "Committee" means the interagency committee for outdoor recreation.

- (3) "Critical habitat" means lands important for the protection, management, or public enjoyment of certain wildlife species or groups of species, including, but not limited to, wintering range for deer, elk, and other species, waterfowl and upland bird habitat, fish habitat, and habitat for endangered, threatened, or sensitive species.

- (4) "Local agencies" means a city, county, town, tribe, special purpose district, port district, or other political subdivision of the state providing services to less than the entire state.

- (5) "Natural areas" means areas that have, to a significant degree, retained their natural character and are important in preserving rare or vanishing flora, fauna, geological, natural historical, or similar features of scientific or educational value.

- (6) "Special needs populations" means physically restricted people or people of limited means.

- (7) "Trails" means public ways constructed for and open to pedestrians, equestrians, or bicyclists, or any combination thereof, other than a sidewalk constructed as a part of a city street or county road for exclusive use of pedestrians.

- (8) "Urban wildlife habitat" means lands that provide habitat important to wildlife in proximity to a metropolitan area.

- (9) "Water access" means boat or foot access to marine waters, lakes, rivers, or streams.

[1990 1st ex.s. c 14 § 2. Formerly RCW 43.98A.010.]

RCW 79A.15.020, Habitat conservation account.

The habitat conservation account is established in the state treasury. The committee shall administer the account in accordance with \*chapter 43.99 RCW and this chapter, and shall hold it separate and apart from all other money, funds, and accounts of the committee.

[1990 1st ex.s. c 14 § 3. Formerly RCW 43.98A.020.]

**NOTES: \*Reviser's note:** Chapter 43.99 RCW was recodified as chapter 79A.25 RCW pursuant to 1999 c 249 § 1601.

**RCW 79A.15.030, Allocation and use of moneys -- Grants.**

(1) Moneys appropriated for this chapter shall be divided equally between the habitat conservation and outdoor recreation accounts and shall be used exclusively for the purposes specified in this chapter.

(2) Moneys deposited in these accounts shall be invested as authorized for other state funds, and any earnings on them shall be credited to the respective account.

(3) All moneys deposited in the habitat conservation and outdoor recreation accounts shall be allocated under \*RCW 43.98A.040 and 43.98A.050 as grants to state or local agencies for acquisition, development, and renovation within the jurisdiction of those agencies, subject to legislative appropriation. The committee may use or permit the use of any funds appropriated for this chapter as matching funds where federal, local, or other funds are made available for projects within the purposes of this chapter.

(4) Projects receiving grants under this chapter that are developed or otherwise accessible for public recreational uses shall be available to the public on a nondiscriminatory basis.

(5) The committee may make grants to an eligible project from both the habitat conservation and outdoor recreation accounts and any one or more of the applicable categories under such accounts described in \*RCW 43.98A.040 and 43.98A.050.

[1990 1st ex.s. c 14 § 4. Formerly RCW 43.98A.030.]

**NOTES: \*Reviser's note:** RCW 43.98A.040 and 43.98A.050 were recodified as RCW 79A.15.040 and 79A.15.050 pursuant to 1999 c 249 § 1601.

Outdoor recreation account: Chapter 79A.25 RCW.

**RCW 79A.15.040, Habitat conservation account -- Distribution and use of moneys.**

(1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:

(a) Not less than thirty-five percent for the acquisition and development of critical habitat;

(b) Not less than twenty percent for the acquisition and development of natural areas;

(c) Not less than fifteen percent for the acquisition and development of urban wildlife habitat; and

(d) The remaining amount shall be considered unallocated and shall be used by the committee to

fund high priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat. During the fiscal biennium ending June 30, 2001, the remaining amount reappropriated from the fiscal biennium ending June 30, 1999, may be allocated for matching grants for riparian zone habitat protection projects that implement watershed plans under the program established in section 329(6), chapter 235, Laws of 1997.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only state agencies may apply for acquisition and development funds for critical habitat and natural areas projects under subsection (1)(a), (b), and (d) of this section.

(4) State and local agencies may apply for acquisition and development funds for urban wildlife habitat projects under subsection (1)(c) and (d) of this section.

[1999 c 379 § 917; 1997 c 235 § 718; 1990 1st ex.s. c 14 § 5. Formerly RCW 43.98A.040.]

**NOTES: Effective date -- 1999 c 379:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 18, 1999]." [1999 c 379 § 949.]

**Severability -- 1997 c 235:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 235 § 901.]

**Effective date -- 1997 c 235:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 26, 1997]." [1997 c 235 § 902.]

**RCW 79A.15.050, Outdoor recreation account -- Distribution and use of moneys.**

(1) Moneys appropriated for this chapter to the outdoor recreation account shall be distributed in the following way:

(a) Not less than twenty-five percent to the state parks and recreation commission for the acquisition and development of state parks, with at least seventy-five percent of this money for acquisition costs. However, during the 1999-2001 biennium,

distributions for acquisition and development of state parks shall not exceed four million two hundred fifty thousand dollars, and the proportion for acquisition costs shall be determined by the commission;

(b) Not less than twenty-five percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(c) Not less than fifteen percent for the acquisition and development of trails;

(d) Not less than ten percent for the acquisition and development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(e) The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high priority acquisition and development needs for parks, trails, and water access sites.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for state and local parks, trails, and water access sites, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only local agencies may apply for acquisition, development, or renovation funds for local parks under subsection (1)(b) of this section.

(4) State and local agencies may apply for funds for trails under subsection (1)(c) of this section.

(5) State and local agencies may apply for funds for water access sites under subsection (1)(d) of this section.

[1999 c 379 § 941; 1999 c 379 § 920; 1990 1st ex.s. c 14 § 6. Formerly RCW 43.98A.050.]

**NOTES: Effective date -- 1999 c 379:** See note following RCW 79A.15.040.

RCW 79A.15.060, Habitat conservation account -- Acquisition policies and priorities.

(1) The committee may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account.

(2) Moneys appropriated for this chapter may not be used by the committee to fund additional staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter, except that the committee may use moneys appropriated for this chapter for the fiscal

biennium ending June 30, 2001, for the administrative costs of implementing the pilot watershed plan implementation program established in section 329(6), chapter 235, Laws of 1997, and developing an inventory of publicly owned lands established in section 329(7), chapter 235, Laws of 1997.

(3) Moneys appropriated for this chapter may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(4) Except as provided in subsection (5) of this section, the committee may not approve a local project where the local agency share is less than the amount to be awarded from the habitat conservation account.

(5) During the fiscal biennium ending June 30, 2001, the committee may approve a riparian zone habitat protection project established in section 329(6), chapter 235, Laws of 1997, where the local agency share is less than the amount to be awarded from the habitat conservation account.

(6) In determining acquisition priorities with respect to the habitat conservation account, the committee shall consider, at a minimum, the following criteria:

(a) For critical habitat and natural areas proposals:

- (i) Community support;
- (ii) Immediacy of threat to the site;
- (iii) Uniqueness of the site;
- (iv) Diversity of species using the site;
- (v) Quality of the habitat;
- (vi) Long-term viability of the site;
- (vii) Presence of endangered, threatened, or sensitive species;
- (viii) Enhancement of existing public property;
- (ix) Consistency with a local land use plan, or a regional or state-wide recreational or resource plan; and
- (x) Educational and scientific value of the site.

(b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection:

- (i) Population of, and distance from, the nearest urban area;
- (ii) Proximity to other wildlife habitat;
- (iii) Potential for public use; and
- (iv) Potential for use by special needs populations.

(7) Before October 1st of each even-numbered year, the committee shall recommend to the

governor a prioritized list of state agency projects to be funded under \*RCW 43.98A.040(1) (a), (b), and (c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

(8) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under \*RCW 43.98A.040(1)(c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

[1999 c 379 § 918; 1997 c 235 § 719; 1990 1st ex.s. c 14 § 7. Formerly RCW 43.98A.060.]

**NOTES: \*Reviser's note:** RCW 43.98A.040 was recodified as RCW 79A.15.040 pursuant to 1999 c 249 § 1601. **Effective date -- 1999 c 379:** See note following RCW 79A.15.040. **Severability -- Effective date--1997 c 235:** See notes following RCW 79A.15.040.

RCW 79A.15.070, Acquisition and development priorities -- Generally.

(1) In determining which state parks proposals and local parks proposals to fund, the committee shall use existing policies and priorities.

(2) Moneys appropriated for this chapter may not be used by the committee to fund additional staff or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, 2001, for the administrative costs of implementing the pilot watershed plan implementation program established in section 329(6), chapter 235, Laws of 1997, and developing an inventory of publicly owned lands established in section 329(7), chapter 235, Laws of 1997.

(3) Moneys appropriated for this chapter may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(4) The committee may not approve a project of a local agency where the share contributed by the

local agency is less than the amount to be awarded from the outdoor recreation account.

(5) The committee may adopt rules establishing acquisition policies and priorities for the acquisition and development of trails and water access sites to be financed from moneys in the outdoor recreation account.

(6) In determining the acquisition and development priorities, the committee shall consider, at a minimum, the following criteria:

(a) For trails proposals:

- (i) Community support;
- (ii) Immediacy of threat to the site;
- (iii) Linkage between communities;
- (iv) Linkage between trails;
- (v) Existing or potential usage;
- (vi) Consistency with an existing local land use plan or a regional or state-wide recreational or resource plan;
- (vii) Availability of water access or views;
- (viii) Enhancement of wildlife habitat; and
- (ix) Scenic values of the site.

(b) For water access proposals:

- (i) Community support;
- (ii) Distance from similar water access opportunities;
- (iii) Immediacy of threat to the site;
- (iv) Diversity of possible recreational uses; and
- (v) Public demand in the area.

(7) Before October 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under \*RCW 43.98A.050(1) (a), (c), and (d). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

(8) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under \*RCW 43.98A.050(1) (b), (c), and (d) of this act. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any



particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

[1999 c 379 § 919; 1997 c 235 § 720; 1990 1st ex.s. c 14 § 8. Formerly RCW 43.98A.070.]

**NOTES: \*Reviser's note:** RCW 43.98A.050 was recodified as RCW 79A.15.050 pursuant to 1999 c 249 § 1601. **Effective date -- 1999 c 379:** See note following RCW 79A.15.040. **Severability -- Effective date--1997 c 235:** See notes following RCW 79A.15.040.

**RCW 79A.15.080, Recommended project list --  
Committee authority to obligate funds --  
Legislature's authority.**

The committee shall not sign contracts or otherwise financially obligate funds from the habitat conservation account or the outdoor recreation account as provided in this chapter before the legislature has appropriated funds for a specific list of projects. The legislature may remove projects from the list recommended by the governor.

[1990 1st ex.s. c 14 § 9. Formerly RCW 43.98A.080.]

RCW 79A.15.090, Condemnation.

Moneys made available under this chapter for land acquisition shall not be used to acquire land through condemnation.

[1990 1st ex.s. c 14 § 10. Formerly RCW 43.98A.090.]

RCW 79A.15.100, Report to governor and standing committees.

On or before November 1st of each odd-numbered year, the committee shall submit to the governor and the standing committees of the legislature dealing with fiscal affairs, fish and wildlife, and natural resources a report detailing the acquisitions and development projects funded under this chapter during the immediately preceding biennium.

[1990 1st ex.s. c 14 § 11. Formerly RCW 43.98A.100.]

RCW 79A.15.900, Severability --  
1990 1st ex.s. c 14.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1990 1st ex.s. c 14 § 12. Formerly RCW 43.98A.900.]

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